

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

115-9-13401

IN THE MATTER OF:

MIGUEL A MARZAN BONILLA
MAYRA B DIAZ LAUREANO

DEBTORS

CASE NO. **10-06173 ESL**

CHAPTER 13

MOTION REQUESTING DISMISSAL

TO THIS HONORABLE COURT:

COMES NOW creditor BANCO BILBAO VIZCAYA ARGENTARIA (BBVA), represented by the undersigned attorneys and very respectfully states and prays:

1. On July 10th, 2010, debtors filed the instant petition for relief under Chapter 13.

2. Appearing creditor respectfully requests from this Honorable Court to enter an Order dismissing the instant case based on the following grounds:

a. BBVA is holder in due course of a duly recorded money purchase security agreement with security interest (contract number 9611596648) at the Motor Vehicles and Trailers Registry of the Department of Transportation and Public Works of the Commonwealth of Puerto Rico, which encumbers a 2006, Suzuki VZR automobile, engine number JS2VY53A962101559, registered in the name MIGUEL A MARZAN BONILLA. (See Exhibit "A").

b. As of May 9th, 2011, debtors have outstanding three (3) installments owed to BBVA (from the months of February to April, 2011), in the total sum of \$1,074.28, including \$471.02 of accrued late payment charges.

c. As of May 9th, 2011, debtors have outstanding balance in the total sum of \$2,401.09, including accrued late payment charges.

d. Section 1307(c)(1) of the Bankruptcy Code [11 USC §1307(c)(1)] states as follows:

"(c) Except as provided in subsection (e) of this section, on request of a party in interest or the United States trustee and after notice and a hearing, the court may convert a case under this chapter to a case under chapter 7 of this title, or may dismiss a case under this chapter, whichever is in the best interests of creditors and the estate, for cause, including--
(1) unreasonable delay by the debtor that is prejudicial to creditors;

e. Debtors have failed to comply with the terms of the contract above described. They have failed to keep the current monthly installments with BBVA while the BBVA's collateral continue to depreciate with time and use without appearing creditor receiving any payment or consideration thereof. Under such circumstances, it is respectfully requested from this Honorable Court to enter an Order dismissing the instant case.

3. Debtors are not members of the U.S. Armed Forces, the Coast Guard, the Public Health Services or the National Oceanic and Atmospheric Administration, as evidenced by the Certificate issued by the U.S. Department of Defense, copy which is attached only to the original of this motion and movant's copy.

4. Pursuant to Local Bankruptcy Rule 9031-1 (h)(1) and (2)(H), it is respectfully requested from this Honorable Court

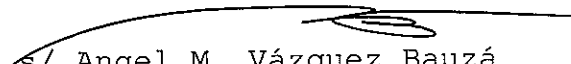
that, should debtor fails to file a response to the instant motion within thirty (30) days from notice of the same to immediately cure the arrears owed to BBVA and provide an insurance coverage over its collateral, an Order may be entered dismissing the instant case without the need of a hearing.

WHEREFORE, it is respectfully requested from this Honorable Court to grant this Motion and to enter an Order dismissing the instant case.

I HEREBY CERTIFY: On this same date I electronically filed the foregoing document with the clerk of the Court using the CM/ECF System which will sent notification of such filing to the following: Chapter 13 Trustee, **ALEJANDRO OLIVERAS RIVERA** and by ordinary mail to debtor(s); Attorney for Debtor(s), **JUAN O CALDERON LITHGOW, ESQ**; and to all creditors and parties in interest appearing in the attached Master Address List.

RESPECTFULLY SUBMITTED,

In San Juan, Puerto Rico, this 11 day May, 2011.


S/ Angel M. Vázquez Bauzá
Angel M Vázquez Bauzá, Esq.
Bar Number: 203308
ENR & Associates
PO Box 191017
San Juan, PR 00917-1017
Tel. 754-1313
Fax. 754-1354
e-mail: avazquez@enrassociates.com

INTERPRETACION: La validez y ejecutabilidad de este contrato se interpretará y registrará bajo las leyes del Estado Libre Asociado de Puerto Rico. El COMPRADOR se somete a la jurisdicción y competencia del Tribunal General de Justicia del Estado Libre Asociado de Puerto Rico, sala de San Juan. Cualquier término que no se haya definido en este contrato tendrá la definición designada en la Ley 208 del 17 de agosto de 1995, según enmendada.

ALQUILER TENEDOR DE ESTE CONTRATO DE CRÉDITO AL CONSUMIDOR ESTÁ SUJETO A TODAS LAS RECLAMACIONES Y DEFENSAS QUE EL DEUDOR PUEDIERE ALEGAR EN CONTRA DEL VENDEDOUR LOS BIENES Y SERVICIOS OBTENIDOS DE CONFORMIDAD CON EL MISMO O CON LOS DÍTOS DE ESTE CONTRATO. EL RECURSO POR EL DEUDOR BAJO ESTA CLÁUSULA NO EXCEDERÁ LAS CANTIDADES PAGADAS POR EL DEUDOR BAJO ESTE CONTRATO.

VEASE AL OTRO LADO PARA INFORMACION

ESTADO LIBRE ASOCIADO DE PUERTO RICO

CERTIFICADO DE TITULO

06jun2006 07:41:57

0387-0736-4965-000000000

NUMERO DE TITULO	FECHA EXPEDICION	NUMERO DE REGISTRO	FECHA REGISTRO
A 3820841	02jun2006	6766236	31mar2006
NUMERO DE SERIE (VIN)	MANEJO	MODELO	AÑO
JS1UV53A962101559	su-ura motorcycle	2006	02
CAP CARGA	PESO	TIPO USADO	TITULO ANTERIOR
2#	2#	Nuevo	Centorid CA
QUOMETROS	COLOR		
10	claro		

NOMBRE Y DIRECCION DEL DUERO REGISTRAL

Nombre: MARZAN BONILLA, MIGUEL A.

Resid: URB VILLA RICA

AN-31 CALLE EVANS

BAYAMON, PR 00959

Postal: URB VILLA RICA

AN 31 CALLE EVANS

BAYAMON, PR 00959

GRAVAMENES

PRIMER GRAVAMEN (VENTA CONDICIONAL)

BBVA

SEGUNDO GRAVAMEN (OTROS)

CANCELACION GRAVAMEN

EL (LOS) ABAJO FIRMANTE (S) TENEDOR (ES) DEL GRAVAMEN SOBRE EL VEHICULO DE MOTOR DESCRITO ARRIBA, CERTIFICAMOS QUE EL MISMO HA SIDO PAGADO (SI MAS DE UN GRAVAMEN DEBERAN APARECER DOS (2) FIRMAS)

PRIMER GRAVAMEN

SEGUNDO GRAVAMEN

FECHA

FECHA

FIRMA AUTORIZADA

FIRMA AUTORIZADA

NUMERO CONTROL

A-6966901

SECRETARIO DTOP O REPRESENTANTE AUTORIZADO

NOTES: VALIDO SIN ALTERADO

Department of Defense Manpower Data Center

May-11-2011 06:07:05



Military Status Report
Pursuant to the Service Members Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
MARZAN BONILLA	MIGUEL A	Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.			

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

Mary M. Snavelly-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects **active duty status** including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.
Report ID:H58C0ABDB9

Department of Defense Manpower Data Center

May-11-2011 10:21:02



Military Status Report
Pursuant to the Service Members Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
DIAZ LAUREANO	MAYRA S	Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.			

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Mary M. Snavelly-Dixon

Mary M. Snavelly-Dixon, Director
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Report ID:AOLS5MDL4O

Label Matrix for local noticing
0104-3
Case 10-06173-ESL13
District of Puerto Rico
Old San Juan
Wed May 11 13:21:45 AST 2011

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Bankruptcy Processing
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Mason, OH 45040-8053

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San Juan Puerto Rico 00918-1451

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GREENSBORO, NC 27420-6012

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FIRSTBANK OF PUERTO RICO
BANKRUPTCY DIVISION
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Bank of America NA and Mbn America Bank
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Newark, DE 19713-6000

GC SERVICES
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JACKSONVILLE, FL 32247-7455

GE Money Bank
c/o Recovery Management Systems Corporat
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Miami FL 33131-1605

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SPECIAL PROCEDURE RM 912
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POPULAR AUTO (POPULAR LEASING)
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(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

PR ACQUISITIONS LLC
250 MUNOZ RIVERA AVENUE SUITE 1200
HATO REY PR 00918-1814

PRA Receivables Management LLC
As Agent Of Portfolio Recovery Assocs
PO Box 12914
Norfolk VA 23541-0914

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BAYAMON PR 00958-1069

PREPA
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PRTC
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SAN JUAN, PR 00936-3894

Roundup Funding, LLC
MS 550
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Seattle, WA 98111-9221

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ATLANTA, GA 30348-5968

SANTANDER
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SAN JUAN, PR 00936-2589

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BAYAMON, PR 00956

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HOUSTON, TX 77094-8911

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ALEJANDRO OLIVERAS, CHAPTER 13 TRUS
PO BOX 9024062
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JUAN O CALDERON LITHGOW
JUAN O CALDERON LITHGOW LEGAL OFFIC
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MAYRA BELEN DIAZ LAUREANO
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CALLE EVANS AN 31
BAYAMON, PR 00959-4911

MIGUEL ANGEL MARZAN BONILLA
VILLA RICA
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BAYAMON, PR 00959-4911

MONSITA LECAROS ARRIBAS
OFFICE OF THE US TRUSTEE (UST)
OCHOA BUILDING
500 TANCA STREET SUITE 301
SAN JUAN, PR 00901-1938

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

COMMOLOCO
PO BOX 41012
MINILLAS STATION
SAN JUAN, PR 00940

PORTFOLIO RC
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PO BOX 41067
NORFOLK, VA 23541

(d)Portfolio Recovery Associates, LLC
P.O. Box 41067
Norfolk, VA 23541

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.